BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

PATRICIA A. HOLLIS Claimant	}
VS.) Docket No. 206,834
HAVE IT MAID Respondent) Bocket No. 200,004
AND	
KANSAS MANUFACTURERS AND COMMERCE SELF INSURERS FUND Insurance Carrier	

ORDER

Respondent appeals from a preliminary hearing Order of March 12, 1996 wherein Administrative Law Judge Shannon S. Krysl granted claimant benefits finding claimant's accidental injury arose out of and in the course of her employment and the claimant had provided notice to the respondent as is required by K.S.A. 44-520.

ISSUES

- Whether claimant suffered accidental injury on the date alleged.
- (1) (2) Whether claimant's accidental injury arose out and in the course of her employment.
- Whether claimant provided notice as is required by K.S.A. 44-520 (3) and, if not, whether claimant had just cause for failing to provide said notice.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based upon the evidence presented and for the purpose of preliminary hearing, the Appeals Board finds as follows:

The Appeals Board finds the Order of the Administrative Law Judge should be affirmed. The facts of this case turn in favor of the claimant who testified that she suffered accidental injury arising out of and in the course of her employment with the respondent. The respondent, on the other hand, alleged the claimant suffered injury while moving firewood at her parent's place the weekend after the date of the alleged injury. In being able to both observe and question the witnesses, the Administrative Law Judge is able to assess their credibility in a way the Appeals Board cannot. Therefore, the Appeals Board adopts as its own, as if specifically set out herein, the findings of the Administrative Law Judge that claimant suffered accidental injury arising out of and in the course of her employment and that claimant provided notice to respondent of this accident as is required by K.S.A. 44-520.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Shannon S. Krysl dated March 12, 1996, should be, and hereby is, affirmed and remains in full force and effect.

II IS SO ORDE	RED.
Dated this	day of May 1996.
	BOARD MEMBER

c: Dale V. Slape, Wichita, KS Stephen A. McManus, Kansas City, KS Shannon S. Krysl, Administrative Law Judge Philip S. Harness, Director